

MR. GIUST: In terms of multi-casting, Commissioner? Our, our company has not gone to that point in the terms of what we would carry on the other channels if we were given that opportunity. I'm sure, that in all my years of broadcasting, the way we survive is by giving back to our community. And I'm positive, the way our company supports us, that we would definitely give back more public service. But I'm not here at this time to guarantee you what I could do, because I don't know at this time.

CHAIRMAN POWELL: Mr. McGann.

MR. MCGANN: Commissioner, I would like to point out that this hearing is an excellent example of how we will work in the digital area. We're — I'm happy to say we are multi-casting on our digital channel this entire hearing this evening on five two, and on five one we're carrying KENS and CBS programming. So I would view it in terms of the future, this would be an excellent way that we would handle the multi-casting issue.

(Applause.)

COMMISSIONER COPPS: It's really — I'm very glad to hear that if it really — obviously is a very important issue if we're going to give

broadcasters the ability to multi-cast and certainly the public has the right to expect that they would be — — good and effective means to guarantee service in the public interest, and I'm glad to see that you're working on that, and I hope the industry as a whole will be giving some thought to that as the Commission moves toward a decision in this area.

COMMISSIONER MARTIN: Following up, if I could ask Mr. McGann just real quickly, is any of — is that multi-casting of this hearing being carried on the any of the cable systems?

MR. MCGANN: At this present time we're not being carried on cable.

COMMISSIONER MARTIN: I also have a question from the audience for Mr. Giust, If Univision is working to meet the community interest as you assert, why does it portray such a narrow range of women on its programs?

MR. GIUST: I want to understand the question a little better in terms of narrowing — the ladies. We have lovely women on our shows, some of our shows.

(Audience booing.)

How they are chosen — I've never really

had any complaints about the women that we have on the air. Locally — locally, I think our local talent is just as beautiful as, as — as our network talent.

Now, I —

(Words from audience.)

Yeah. Anyway, that's all I have.

(Words from audience.)

COMMISSIONER ADELSTEIN: Well, I have an appropriate follow-up to that from the audience. This is for Univision: What about indecency on Spanish novelas on prime time? And — and to follow up on that, a question maybe, if we could hear from Senor Moran and Senora Camarillo —

(audience interruption.)

— I'm sorry. There's a question we've had that following up on that for other people to respond about the level of concentration in Spanish language broadcasting. I just would like to hear from you if you feel there's enough opportunities for voices to be heard in Spanish language broadcasting.

MR. GIUST: To — to answer your question, on novelas, I have very few complaints on novelas, very few. I mean, the only complaints I get usually is if we preempt a novela for other type of programming. I

usually get phone calls that are threatening when we preempt a novela.

(Laughter.)

It's the truth. But the programming, I've seen tremendous quality and a tremendous amount of investment and money to make beautiful type of novelas that are on the air now. You know, I don't understand what the — what the question is on the novela side that you're asking me.

COMMISSIONER ADELSTEIN: It was just that — what about indecency, was the question from the public.

MR. GIUST: I'm sorry. I can't hear you.

COMMISSIONER ADELSTEIN: I'm sorry. The question from the public is: What about indecency?

MR. GIUST: On these —

COMMISSIONER ADELSTEIN: That you responded to.

MR. GIUST: I — if I get a complaint, Commissioner, I definitely direct that immediately to, to our network. I have very few complaints. You know, you can check our FCC file — very few complaints on the novelas. I mean, I wish you could give me a specific — yeah — I'm — some of the topics are hot

and heavy. But again, I get more calls if we move up, if we preempt the novela than if I — I do in terms — I can tell you, maybe we've had a handful of complaints about the content of the novelas. The language, I think is nowhere near that — what I've heard in other situations. Anyway, that's all I've got.

COMMISSIONER ADELSTEIN: Just a follow-up for the other panelists about whether or not —

(In Spanish.)

MS. CAMARILLO: (In Spanish.)

COMMISSIONER ADELSTEIN: Is there enough opportunity for diverse voices to be heard over Spanish language broadcasting in this country?

MS. CAMARILLO: (In Spanish.)

COMMISSIONER ADELSTEIN: For you and for Senor Moran.

MS. CAMARILLO: (In Spanish.)

(Applause.)

Latinos are covered better in Spanish stations than they are covered in the mainstream stations and one of the reasons is because the workers are Latinos like the rest of us. Thank you.

(Applause.)

CHAIRMAN POWELL: We have fallen quite a

bit back on time, and so I'd like to move to the open-mic period since it seems to be open anyway.

(Audience laughter and conversation.)

MADAM SECRETARY: Members of the audi — members of the audience who wish to speak should form a line down the center aisle. We will alternate microphones during the session. The FCC staff will let you know when it is your turn to speak. If you are in need of assistance of a Spanish translator, please notify the FCC staff, identified by their white badges.

(Translated in Spanish.)

MADAM SECRETARY: In the interest of letting as many people present their views as possible, speakers should limit — limit their remarks to no more than two minutes. The green light will signal for the first one and a half minutes. When the yellow light signals, you will have 30 seconds to sum up your remarks. Please observe these time limits. To accommodate as many speakers as possible, we encourage individuals from organizations to limit the number of speakers who use the open-microphone to express a common viewpoint and to consider using our electronic filing procedures to register multiple speakers' comments in our official record. We will now begin the

open-microphone session.

CHAIRMAN POWELL: Just one thing to emphasize — one thing to emphasize. Remember that there are two open-mic sessions. So this isn't the only run we're going to get at this tonight. We're going to do this for about 45 minutes before the break, and I really would encourage people to make their comments brief because you're only stealing time from other people who really need an opportunity to be heard. So with that, please, let's, let's proceed.

(Translated in Spanish.)

AUDIENCE MEMBER: Hello. Testing. Can you hear me? I'm here tonight, Gentlemen, to ask you to expedite the widening of the radio bands for the firemen and the policemen so they do not overlap the next 9/11 occurs. We need to expedite this right away, no messing around. They don't need to fight a building falling on them again and radio signals overlapping. That would be wrong. If you drag your feet on this that also would be wrong, and, and I believe you should do something immediately.

(Applause.)

Another quick comment I have is accurate reporting. It took two days after I listened to an

inaccurate report which told only half the truth about a man on PCP last week. It took two days for the truth to come out and the truth only came out by a recording played on Clear Channel Radio radio station.

I did not hear it on ABC, I did not hear it on NBC, and I did not hear it on CBS. And it's ludicrous for you to fine the only one that came through for the American public to be informed when it's dangerous and a matter of national security when people get up and go out of their living rooms and burn down something because they want ratings. You need to put the fine on NBC, CBS and ABC where it belongs and leave Clear Channel alone.

(Applause.)

That's all I have to say. They cannot regulate themselves, they cannot be trusted. Thank you.

CHAIRMAN POWELL: Thank you. Let's start here.

AUDIENCE MEMBER: We own the airwaves, but quite a few, just a handful of corporations, decide what will go on those airwaves. Have you noticed a lack of coverage by these heads of the airwaves? Of course not, unless you've been listening to some kind

of alternative radio or alternative source of information. These are too limited. The population of this country is in danger of being dumbed down by the networks. To put it bluntly, serving corporate interests and serving the public interests cannot be consistently achieved as long as corporations enjoy the elevated status they now hold. Stop deregulation, undo what you've already done.

Mr. Linson, a free market system to which you allude to so highly is a system of greed, selfishness and has no interest in what is best for the public at large. You may ask — you may ask who decides what's best for the public. I would propose that the public can handle that question for themselves, thank you. Stop limiting our sources of information. Thank you.

(Applause.)

AUDIENCE MEMBER: Chairman Powell, and FCC Commissioners, welcome to Texas. Thank you very much for coming and listening to us. My name is Robin Stallings. I'm the Executive Director of the Texas Bicycle Coalition. There are four million Texans who ride a bike at least once a year, and at least 30,000 of them contribute in some way to our organization.

And we have a particular interest in the airwaves.

There have been some problems in the last few years where on-air talent or hosts have gotten a few laughs at the expense of cyclists, joking about, you know, hitting them with car doors, throwing things at them. This has happened in a lot of stations. That must pass for humor in a lot of places, but I want to say that while this happened in many different kinds of stations, including some Clear Channel stations, Clear Channel stepped forward, and actually, I should say that the individual stations, each one stepped forward, they met in, in Houston with our representatives and they met with other cyclists, our counterparts in Raleigh, they met with other cyclists and counterparts in Cleveland, and they did something about it, and they worked it out.

And after it was all worked out even Clear Channel at the corporate level went out of their way and called me — I didn't call them — to see if there was anything else they could do. And we were a bit surprised. We thought it was over. There was — we thought it was some behemoth that we could never deal with. But that is not what we found in this case. And we — in fact, they found other ways that they could

work with us, teach us how we could work with the local stations, and they also pointed out that we — and have since learned, that over 200 charity rides in the country just last year, Clear Channel supported and helped with having people on-air as well as supporting the rides. And I just want to say thank you very much for coming here, but sometimes local doesn't always mean locally owned, but do you care about local issues and many of the stations do that, even if they are corporate. Thank you.

(Applause.)

AUDIENCE MEMBER: My name is Kate Cole, and I'm the Executive Director for the Heidi Search Center for Missing Children. We're a nonprofit organization that was established in 1990 after the abduction and murder of an 11-year old little girl named Heidi Lynn Seeman.

Our job is to assist law enforcement, families and the community in finding missing children and adults. We could not do that without the local media we have here. And I cannot not specifically pick out one single channel that's better than the other.

I have been with the center for four years and the relationship we have with them now is, when I

have somebody missing, I send them an e-mail. I don't even have to talk to anybody on the phone and they assist us.

I cannot commend them highly enough in the way they help the community and the families around here when they have a missing loved one. Not just the children that we hear nationally, but the local adults that also go missing under suspicious circumstances.

They help us with getting information out to the public. There's different times of the year where we want awareness for safety, at Halloween during parties, when the kids are out trick or treating, Saint Patrick's Day, where a lot of adults are going out drinking. They help us with information out to the general public, without any hesitation. They get information out to the public about searches we're having, help that we need, money when we're short on money. We are a nonprofit, like I said. We rely purely on public donations.

There's no greater joy than seeing a family reunited with a missing loved one. We had a couple a few years ago who were separated, been married for many years, and through the media's coverage of the wife's disappearance, then she was managed to be

located alive.

We had a young girl that ran away and went down to Mexico. One of the local Hispanic stations ran the story a couple of years after she'd gone missing. It went down into Mexico, a man — a man recognized her as a stripper in one of the bars he frequented down there. Within a matter of days she was reunited again with her family.

Thank you for allowing me to speak, and I would like to say we hope the media will continue to support us. And if the city does not deal with the runaway problem, I'd like to challenge the media to help us educate the city on our Hispanic young female runaways, which is a huge problem. Thank you.

(Applause.)

AUDIENCE MEMBER: Good evening. My name is Ruben Esparanza. I am the publisher of the *San Antonio Post*. Mr. Copps, I congratulate you in trying to defend the rules and regulations of the FCC, although they've been eroded for many years. I'm proud to say I'm a licensee for third-class license for the FCC and yes, they have been eroded.

Now, the word, public interest, has been said by most of y'all. The Commissioners have said

that. But also you have said the convenience of broadcasting. But what none of y'all have said is the necessity is to cov — to cover public events that local media do not.

I'll give you a case in point. And this — actually this will be going to the Supreme Court in the next two years. We're using the rules and regs of the Federal Communication, the FCC, in our court case. Just recently we had a campaign, a local campaign — they called it a campaign — for fluoride. We got ten seconds of coverage.

The pro-people got 30 minutes, even more. They never — they never broadcast the dangers of the — of fluoride. Right there, I saw the erosion of the rules and regs. What needs to happen is that we need to keep the local ownership, public ownership or local ownership within the community. That way we have more voices and not just one telling us the news.

(Applause.)

And you are correct, sir. So I ask you, the Commissioners, bring back the rules of local ownership for the public interest. Thank you.

(Applause.)

AUDIENCE MEMBER: Good evening, Chairman,

Commissioners and distinguished panel. My name is Michael Hu (phonetic). I am Director of San Antonio Asian Community Affairs. I'm here this evening to watch, come here and share with you the experience I had with the local television stations Fox and WB 35. Recently I was headed fundraising events to fundraising a gas mask for San Antonio police departments. I went over to talk to the Fox, WB station manager John Seabers and told him about the project. Now he's very enthusiastic about helping out the community and help out raising money to help our own police departments.

And sure of all, that they not only bent over backward to help out — to help with this project. They are putting the commercial, public service commercial on a national world series to advertise this event. Now, I'm sure they can put this advertising in the midnight somewhere where nobody sees it. They could put it somewhere else. But they didn't do so. They, they act in the community interest and they help out this tremendously. As a result, we are raising over \$100,000 and we now have 500 gas masks for our local police departments to spare to use any time for emergency.

Again, I wanted to stress that this

station has been helping out as far as community interest over and beyond the call of duty. And again, I want to thank you for this opportunity to speak, and thank you.

(Applause.)

AUDIENCE MEMBER: Mr. Chairman, Commissioners, Committee Members and others, good evening. My name is David Gates from Dallas, Texas. I'm 45. I've been in broadcasting since the age of 11. Broadcasting's been good to me, and I've seen it change dramatically over the last three-plus decades. I've worked from Paca City, Oklahoma with an independent operator, all the way up to Disney ABC in Chicago, the nation's third largest market. I've held almost every position including responsibilities for the entire radio division in a multi-media company.

Localism and consolidation are indeed related. The more consolidation, the less localism. The more — the more control over a market by a single operator, the less incentive to do much more than crank cash out of that market.

(Applause.)

In my lifetime, radio has never been less local than it is today. Many announcer shifts at many

radio stations can't even say it's cloudy, raining and 57 degrees right now, because the shows were voice-tracked on a computer hours ago in a city far, far away.

(Applause.)

The formats are essentially homogeneous across the nation. Many of the subtleties of market and station independence are gone. As we've given the industry and our nation's primary information dissemination platform over to a few selected investors, the market manager knows that his or her career rides almost exclusively on budget attainment. Things like the public file and some genuine interest in local public affairs are relics, where stations do just enough, maybe, to get through the FCC inspections and accountabilities that are oh so rare anymore.

It's been surprising to me to see how, just how great the disconnects been between the Commission's recent majority positions and reality. As the share of voice is controlled by an ever smaller and smaller select few with their own corporate and political agendas, the ordinary American citizen has less of a chance.

I would invite the Commission to have the

courage, character, strength and wisdom to go back and review their recent supportive positions on consolidation, find out what's really going on, and find some ways to be more consistent with the Communications Act of 1934, which delineates that the airwaves do belong to the public.

(Applause.)

AUDIENCE MEMBER: Mr. Chairman, my name is Maria Antonia Berriozabal and I'm a long-time resident of San Antonio, and have been active in my community at the grass roots level most of my life. Between 1981 and 1991, I served on the San Antonio City Council. I join my voice today to those of my fellow citizens who have come to express deep concern as media mergers create bigger and bigger media conglomerates. We, the people, are not seeing ourselves in local media outlets. Others will share their story. I will share one.

In 2002 a coalition of citizens representing the diversity of San Antonio as never before embarked on a petition drive expressing deep concern over a proposal to build a luxurious PGA resort over our only source of water, our Edwards Aquifer. Public incentives were also being given to the

developer, a very, very big international company. It was a story of power versus the people.

We, the people, organized and conducted the most successful petition campaign in the history of our city. We gathered over 100,000 signatures over a period of about three months. As important as this number is, those who gathered the signatures, and how hard they worked was a story that should have been told. At a time when citizen participation in democracy is eroding, in 2002 in San Antonio over 1,000 volunteers participated in this campaign.

This story should have captivated the airwaves. It didn't. They did not tell the story of Guadalupe Iguelis (phonetic) and her elderly friends who stood in front on a hot summer day gathering signatures in their church, or young people who for the first time saw the workings of government.

We gathered across race, gender, culture, political affiliation. Our concern for our city and our environment brought us together. This is an instance where the airwaves should have been used to share the story of democracy in action. It did not. We did not get what we were asking for and it was simply the opportunity to hold an election. Our

elected leaders did not listen to us. We did not have the media's help.

(Applause.)

(Spanish through interpreter.)

AUDIENCE MEMBER: We are millions of immigrants who have enriched this country and who have given it its diversity. And many of these millions of immigrants who have such a rich history and culture are ignored because of their humble beginnings. And how is it possible that our voices in a country that speaks of liberty and justice for all cannot be represented, represented equitably, and how is it possible that there is one conglomerate owner that is deciding what we should hear or see?

We have so many needs that are not being expressed. We have so many things that are not being properly shown, that reflect who we are. And there's so many things that we have done, so many accomplishments that are never shown. Why? Because they are not money producing. There is no gain in it, no profit in it and yet, we have so much to offer. And how many stories of injustice have been hushed? And the conscience and we have just been sublimated and abused and ignored and trampled on with programming

that has nothing to do with our values or our interests.

Please do not deprive us of our liberty and our, our right to have something that is for every single — every single citizen. The right for freedom of speech is a right for each and every one of us and we should be granted this. We have been marginalized and used and the reality is that as immigrants we have so much richness and so much culture and so many wonderful traditions that have been a profit to the others and yet we have been marginalized.

I ask that the media be pluralistic and be responsible to the voices of all of us who want to be heard. And not to separate us from the needs of the community. Thank you.

(Applause.)

AUDIENCE MEMBER: Commissioners, my name is Brian Hughes. I'm a graduate of MIT and the Harvard Business School, and currently I chair a... (inaudible) ...company. I want to thank Commissioner Copps for putting ownership clearly on the agenda. In 1984 I started a company called P-Tap Systems which built P-Tap One, the first privately-owned transatlantic fiber optic cable. In 1989 P-Tap One went into service

and broke AT&T's monopoly on international telecommunications. At that time, the FCC was a strong proponent of competition to increase the number of diverse suppliers of international telecommunications.

As a result, I find it somewhat ironic that 20 years later the MIT is loose, sorry — the FCC is loosening the rules to allow the consolidation of media ownership. This consolidation is clearly driven by the demands of Wall Street, a demand for continuous growth to meet the needs of the marketplace. Now, as a biologist now I see the only system that we talk about where continuous growth is part of the system is cancer. So, this is a fool's game because there is no end in sight. Wall Street demands will lead to more expansion. How else do you get continual growth, you're not making any more spectrum.

First of all, we see national expansion led by that brave American, Rupert Murdoch. Next, we will see international expansion like U.S. multinationals. Where else can the U.S. — these companies expand to meet the demands of Wall Street. Finally, we can see the Spirit rover on Mars as a pathfinder for the future media markets. Simply put, media consolidation is not a viable long-term

strategy. At some point it becomes a cancer. Local ownership, local control allows things to be right-sized. Thank you.

(Applause.)

AUDIENCE MEMBER: Thank you. My name is T.C. Calvert, I am president of the Neighborhood First Alliance, which represents some 30,000 families here in the city. I want to talk about localism, but I also want to challenge the FCC Commissioners tonight. Will you let your light shine, and will you stimulate the type of media coverage we need across America and our neighborhoods? That's my challenge to you.

San Antonio, Texas experiences a lot of floods. I live in a neighborhood where there's flood zones, just like other people across this United States who live in neighborhoods where there's a lot of toxins, where there's a lot of chemical plants.

But I live along an area called the Salado Creek, and we had a 100-year flood that came to my neighborhood, Brother Powell. You should have seen the water coming. It was scary. People were scrambling for their lives. The fire department had put their lives on the line. The police department had put their lives on the line.

Our television stations in our area, the fiber optics, and the cable was shut out. Our TVs went black. The people in the community listened to a Clear Channel Communication called KSJL radio. You know what they were doing while the flood waters were coming? They were bopping the music, hits and oldies, instead of warning our people that the flood waters were coming. Will you let your light shine?

(Applause.)

Now that problem not only holds true in San Antonio, Texas, but it holds true in Oklahoma, Louisiana, New Mexico and all the communities where Clear Channel Communications has urban contemporary stations. So, I'm here to challenge this Commission to change your rules. We want to see low-powered radio stations in our community controlled by the people in this community.

(Applause.)

We could talk about all the boards we want to. We're sick and tired of blue ribbon committees. We're sick and tired of these boards. We want ownership and we want the FCC to let its light shine. Thank you.

(Applause.)

AUDIENCE MEMBER: That might be a tough act to follow. My name is Sarah Kirby. I'm here with the Salvation Army here in San Antonio, Texas. As an agency that serves thousands of people in need in this community, we're truly grateful for the media coverage that we carry here. Without their support, the Salvation Army could not continue to provide the hope to thousands and the public awareness of the issues and challenges we face in serving such a large and diverse population here. In particular, without WOAI-TV we could not have provided a happy Christmas holiday for over 10,000 children and their families this past year, because the public was made aware of the need.

Without KENS-TV during the 2002 flood, we could not have kept 15 mobile canteen units running, 18 hours a day for over five weeks providing food and water to people that were in the middle of this disaster and devastated by it, and providing for the rescue workers that were in additionally helping them, because the public was made aware of that need.

We are truly grateful for the media in this community. We wish we could always get more airtime, but we, we appreciate everything they do to help raise public awareness and make sure that the